

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Daniel Lee Johnson,

Petitioner,

Civil No. 04-2890 (RHK/RLE)

vs.

**ORDER**

Carol Holinka, Warden  
FCI-Waseca,

Respondent.

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Petitioner's Objections to Magistrate Judge Raymond L. Erickson's May 10, 2005, Report and Recommendation are before the Court for de novo review. Judge Erickson concluded that the Bureau of Prison's application of good time credit, based on actual time served, is a reasonable interpretation of Section 3624(b). The undersigned agrees with Judge Erickson and the recent decision of James v. Outlaw, 2005 WL 6777691 (8<sup>th</sup> Cir. Mar. 24, 2005).

In a supplemental filing, Petitioner relies upon Moreland v. Federal Bureau of Prisons, 363 F. Supp. 2d 882 (S.D. Tex. 2005). Judge Erickson found the reasoning in Moreland to be "unconvincing" and rejected the conclusions of that Court; this Court again agrees with Judge Erickson on that issue.

Upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 16) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 15) is **ADOPTED**; and

3. Petitioner's Application for Habeas Corpus Relief under Title 28 U.S.C. § 2241 (Doc. No.

1) is **DISMISSED WITH PREJUDICE**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: June 20, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge